

FIRST REGULAR SESSION

# SENATE BILL NO. 148

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Pre-filed January 5, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0805S.011

## AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to tax deductions for health savings accounts.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 143, RSMo, is amended by adding thereto one new  
2 section, to be known as section 143.116, to read as follows:

143.116. 1. For all tax years beginning on or after January 1,  
2 2009, an individual taxpayer shall be allowed a deduction from Missouri  
3 adjusted gross income in the amount equal to one hundred percent of  
4 the premium paid by the taxpayer during the taxable year for high  
5 deductible health plans established and used with a health savings  
6 account under the applicable provisions of Section 223 of the Internal  
7 Revenue Code to the extent the amount is not deducted on the  
8 taxpayer's federal income tax return for that taxable year.

9 2. As used in this section, the following terms shall mean:

10 (1) "Health savings account" or "account", shall have the same  
11 meaning as ascribed to it in 26 U.S.C. Section 223(d), as amended;

12 (2) "High deductible health plan", a policy or contract of health  
13 insurance or health benefit plan, as defined in section 376.1350, RSMo,  
14 that meets the criteria established in 26 U.S.C. Section 223(c)(2), as  
15 amended, and any regulations promulgated thereunder.

16 3. The director of the department of revenue is authorized to  
17 promulgate rules and regulations necessary to implement and  
18 administer the provisions of this section. Any rule or portion of a rule,  
19 as that term is defined in section 536.010, RSMo, that is created under  
20 the authority delegated in this section shall become effective only if it  
21 complies with and is subject to all of the provisions of chapter 536,

22 RSMo, and, if applicable, section 536.028, RSMo. This section and  
23 chapter 536, RSMo, are nonseverable and if any of the powers vested  
24 with the general assembly pursuant to chapter 536, RSMo, to review, to  
25 delay the effective date, or to disapprove and annul a rule are  
26 subsequently held unconstitutional, then the grant of rulemaking  
27 authority and any rule proposed or adopted after August 28, 2009, shall  
28 be invalid and void.

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